

“(i) A decision by a court or arbitral tribunal that a patent owned by the person is essential for the implementation of that standard.

“(ii) A determination by an independent patent evaluator not hired by the person that a patent owned by the person is essential for the implementation of that standard.

“(iii) A showing that wireless communications device manufacturers together accounting for a significant portion of the United States or world market for such devices have entered into agreements for licenses to the person's portfolio of patents that are essential for the implementation of that standard.

“(iv) A showing that the person has previously granted licenses to the foreign entity described in subparagraph (A)(ii) or any of its affiliates with respect to a reasonably similar portfolio of the person's patents that are essential for the implementation of that standard.

“(C) ACCOUNTING OF WIRELESS COMMUNICATIONS DEVICE MARKET.—A showing described in subparagraph (B)(iii) may be made either by including or excluding wireless communications device manufacturers that are persons of concern.

“(3) PROCEDURES.—

“(A) ADDING A FOREIGN ENTITY TO THE WATCH LIST.—

“(i) IN GENERAL.—The Secretary may add a foreign entity to the watch list under paragraph (1) only after notice and opportunity for an agency hearing on the record in accordance with (except as provided in clause (ii)) sections 554 through 557 of title 5, United States Code.

“(ii) MATTERS CONSIDERED AT HEARING.—An agency hearing conducted under clause (i)—

“(I) shall be limited to consideration of—

“(aa) whether the demonstration described in paragraph (2) has been reasonably made; and

“(bb) the amount of bond to be required in accordance with section 236; and

“(II) may not include the presentation or consideration of legal or equitable defenses or counterclaims.

“(B) ADMINISTRATIVE PROCEDURE.—Except as provided in subparagraph (A), the functions exercised under this section and section 236 shall not be subject to sections 551, 553 through 559, or 701 through 706 of title 5, United States Code.

“(c) MOVEMENT BETWEEN LISTS.—A foreign entity on the watch list required by subsection (b)(1) may be moved to the list required by subsection (a), pursuant to procedures established by the Secretary, on or after the date that is one year after being included on the watch list if the foreign entity is not able to reasonably demonstrate that it has entered into a patent license agreement or a binding arbitration agreement with each covered person that has made the demonstration described in subsection (b)(2) with respect to the entity.

“(d) REMOVAL FROM LISTS.—A foreign entity on the list required by subsection (a) or on the watch list required by subsection (b)(1) may petition the Secretary to be removed from that list on the basis that the conditions that led to the inclusion of the foreign entity on the list no longer exist. The burden of proof shall be on the foreign entity.

“(e) DEFINITIONS.—In this section:

“(1) AFFILIATE.—The term ‘affiliate’, with respect to an entity, means any entity that owns or controls, is owned or controlled by, or is under common ownership or control with, the entity.

“(2) COUNTRY OF CONCERN.—The term ‘country of concern’ means a country with respect to which the Secretary determines that—

“(A) persons in the country persistently use, without obtaining a license, patents—

“(i) essential to the implementation of wireless communications standards; and

“(ii) held by a covered person; and

“(B) that use of patents poses a threat to—

“(i) the ability of the United States to maintain a wireless communications research and development infrastructure; and

“(ii) the national security of the United States, pursuant to the policy set forth in section 234.

“(3) COVERED PERSON.—The term ‘covered person’ means—

“(A) a covered United States person; or

“(B) an affiliate of a covered United States person—

“(i) headquartered in, or organized under the laws of, a country that is a member of the European Union or the North Atlantic Treaty Organization; and

“(ii) engaged in wireless communications research and development.

“(4) COVERED UNITED STATES PERSON.—The term ‘covered United States person’ means a United States person engaged in wireless communications research and development in the United States.

“(5) PERSON OF CONCERN.—The term ‘person of concern’ means a person that is—

“(A) an individual who is a citizen or national (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))) of a country of concern; or

“(B) an entity that is headquartered in, or organized under the laws of, a country of concern.

“(6) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

“(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

“(C) any person in the United States.

“(7) WIRELESS COMMUNICATIONS STANDARD.—The term ‘wireless communications standard’ means—

“(A) a cellular wireless telecommunications standard, including such a standard promulgated by the 3rd Generation Partnership Project (commonly known as ‘3GPP’) or the 3rd Generation Partnership Project 2 (commonly known as ‘3GPP2’); or

“(B) a wireless local area network standard, including such a standard designated as IEEE 802.11 as developed by the Institute of Electrical and Electronics Engineers (commonly known as the ‘IEEE’).

#### “SEC. 236. IMPORT SANCTIONS WITH RESPECT TO CERTAIN FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY.

“(a) IN GENERAL.—Any foreign entity on the list required by section 235(a) may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

“(b) ENTRY UNDER BOND.—

“(1) IN GENERAL.—Unless otherwise prescribed by the President, a product described in paragraph (2) may not enter the United States except under bond prescribed by the Secretary of Commerce in an amount determined by the Secretary to be sufficient to protect from injury a covered United States person that made the demonstration described in section 235(b)(2) with respect to the entity that has been selling the product directly or indirectly in or into the United States.

“(2) PRODUCTS DESCRIBED.—A product described in this paragraph is a wireless communications device—

“(A) produced or sold by—

“(i) a foreign entity on the watch list required by section 235(b);

“(ii) a successor of such an entity; or

“(iii) an affiliate of an entity described in clause (i) or (ii); and

“(B) that is claimed, labeled, marketed, or advertised as complying with a wireless communications standard that was the basis for the inclusion of the foreign entity on the watch list.

“(c) FORFEITURE OF BOND.—

“(1) IN GENERAL.—If a foreign entity on the watch list required by section 235(b) is moved to the list required by section 235(a) and becomes subject to controls under subsection (a), a bond paid under subsection (b) shall be forfeited to a covered United States person that made the demonstration described in section 235(b)(2) with respect to the entity.

“(2) TERMS AND CONDITIONS.—The Secretary of Commerce shall prescribe the procedures and any terms or conditions under which bonds will be forfeited under paragraph (1).

“(d) NON-INTEREST-BEARING BONDS.—A bond under this section shall be non-interest-bearing.

“(e) DEFINITIONS.—In this section, the terms ‘affiliate’ and ‘covered United States person’ have the meanings given those terms in section 235(d).”

(b) CONTROLS ON IMPORTS OF GOODS OR TECHNOLOGY AGAINST PERSONS THAT RAISE NATIONAL SECURITY CONCERNS.—Section 233 of the Trade Expansion Act of 1962 (19 U.S.C. 1864) is amended to read as follows:

#### “SEC. 233. IMPORT SANCTIONS FOR EXPORT VIOLATIONS.

“(a) IN GENERAL.—A person described in subsection (b) may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

“(b) PERSONS DESCRIBED.—A person described in this subsection is a person that—

“(1) violates any national security export control imposed under section 1755 of the Export Control Reform Act of 2018 (50 U.S.C. 4814) or any regulation, order, or license issued under that section; or

“(2) raises a national security concern under—

“(A) section 235 or any regulation, order, or license issued under that section; or

“(B) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.) or any regulation, order, or license issued under that Act.”

**SA 4452.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, insert the following:

#### SEC. 1264. REPORTS ON ADOPTION OF CRYPTOCURRENCY AS LEGAL TENDER IN EL SALVADOR.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other relevant Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the adoption by the Government of El Salvador of a cryptocurrency as legal tender.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the process followed by the Government of El Salvador to develop

and enact the Bitcoin Law (Legislative Decree No. 57, Official Record No. 110, Volume 431, enacted June 9, 2021), which provides the cryptocurrency, Bitcoin, with legal tender status in El Salvador.

(2) An assessment of—

(A) the regulatory framework in El Salvador with respect to the adoption of a cryptocurrency as legal tender and the technical capacity of El Salvador to effectively mitigate the financial integrity and cyber security risks associated with virtual-asset transactions;

(B) whether the regulatory framework in El Salvador meets the requirements of the Financial Action Task Force with respect to virtual-asset transactions;

(C) whether the regulatory framework for the adoption of a cryptocurrency as legal tender in El Salvador meets the guidelines set forth by the Group of Seven in the document entitled “Public Policy Principles for Retail Central Bank Digital Currencies” issued on October 14, 2021;

(D) the impact of such adoption of a cryptocurrency on—

(i) the macroeconomic stability and public finances of El Salvador;

(ii) the rule of law, democratic governance, and respect for inalienable rights in El Salvador;

(iii) bilateral and international efforts to combat transnational illicit activities; and

(iv) El Salvador’s bilateral economic relationship with the United States;

(3) a description of internet infrastructure of El Salvador and an assessment of—

(A) the degree to which cryptocurrency is used in El Salvador; and

(B) access to transparent and affordable internet and digital infrastructure among the unbanked population of El Salvador.

(C) **PLAN TO MITIGATE RISKS TO UNITED STATES FINANCIAL SYSTEM.**—Not later than 90 days after the submittal of the report required by subsection (a), the Secretary, in coordination with the heads of the relevant Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan to mitigate any potential risk to the United States financial system posed by the adoption of a cryptocurrency as legal tender in El Salvador.

(d) **SUBSEQUENT REPORT.**—Not later than 270 days after the submittal of the report required by subsection (a), the Secretary, in coordination with the heads of other relevant Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an updated version of such report, including a description of any significant development related to the risks to the United States financial system posed by the use of a cryptocurrency as legal tender in El Salvador.

**SA 4453.** Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, insert the following:

**SEC. 1054. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON OVERSIGHT OF INTERNATIONAL LIFE SCIENCES RESEARCH COLLABORATION.**

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the following matters:

(1) An audit of United States Government authorities, policies, and processes governing cooperation with other nations as it relates to life sciences research that could be weaponized or pose dual-use concerns, such as pathogens or toxins, synthetic biology, and related emerging technologies, and the degree to which these authorities, policies, and processes account for national security, proliferation, and country-specific considerations in decisions on whether to pursue such collaboration.

(2) An assessment of the degree of coordination between Federal departments and agencies responsible for public health preparedness and the governance of biomedical research and Federal departments and agencies responsible for national security, especially the United States Department of State, to assess and account for security implications of cooperation with other nations on life sciences research.

(b) **ELEMENTS.**—The review required under subsection (a) shall address the following elements:

(1) The Federal department or agencies or other governmental entities that provide funding or other material support for life sciences research, especially biological research, with other nations.

(2) The authorities, policies, and processes that currently exist for reviewing, approving, and monitoring grant funding or other material support for biological research with other nations, including a description of all the steps involved reviewing, approving, and monitoring such funding or other support.

(3) Which Federal departments and agencies, including specific bureaus and offices, are involved in the authorities, policies, and processes described in paragraph (2).

(4) The circumstances under which Federal departments and agencies apply enhanced review, monitoring, and coordination to proposed collaboration, as well as an analysis of the extent to which and how national security, proliferation, or country-specific considerations, such as a nation’s adherence to the Biological Weapons Convention, are among the circumstances that trigger enhanced scrutiny of whether the United States Government should fund a particular research program.

(5) The information required to be included in an application for United States Government funding of life sciences research to address potential national security, proliferation, or country-specific concerns, and whether the information required varies across departments and agencies.

(6) The extent to which Federal departments and agencies with national security responsibilities have visibility into the information described in paragraph (5) prior to an award being made, even if grantees are applying to funding from another Federal department or agency.

(7) The processes and timeline by which funds are issued to the awardee or awardees after a grant or other funding award is made, and to what extent these funds are monitored for national security implications thereafter, including how Federal departments and agencies with national security responsibilities are involved in monitoring such research after funds are awarded.

(c) **REPORT SUBMISSION.**—Within 15 days of the completion of the report required under

subsection (a), the Comptroller General shall submit the report to—

(1) the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Armed Services of the House of Representatives.

(d) **FORM OF REPORT.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 4454.** Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

**SEC. 1283. LIMITATION ON REMOVING GOVERNMENT OF CUBA FROM STATE SPONSORS OF TERRORISM LIST UNTIL PRESIDENT CERTIFIES CUBA NO LONGER PROVIDES SANCTUARY TO TERRORISTS AND UNITED STATES FUGITIVES.**

The President may not remove Cuba from the list of state sponsors of terrorism until the President, without delegation, certifies and reports to Congress that the Government of Cuba has ceased to provide sanctuary to terrorists and United States fugitives.

**SA 4455.** Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1537, insert the following:

**SEC. 1538. BRIEFING ON CONSULTATIONS WITH UNITED STATES ALLIES REGARDING NUCLEAR POSTURE REVIEW.**

(a) **IN GENERAL.**—Not later than January 31, 2022, the Secretary of Defense, in coordination with the Secretary of State, shall brief the appropriate congressional committees on all consultations with United States allies regarding the 2021 Nuclear Posture Review.

(b) **ELEMENTS.**—The briefing required by subsection (a) shall include the following:

(1) A listing of all countries consulted with respect to the 2021 Nuclear Posture Review, including the dates and circumstances of each such consultation and the countries present.

(2) An overview of the topics and concepts discussed with each such country during such consultations, including any discussion of potential changes to the nuclear declaratory policy of the United States.

(3) A summary of any feedback provided during such consultations.

(c) **FORM.**—The briefing required by subsection (a) shall be conducted in both in an unclassified and classified format.